

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JULIE IRMA LODI,

Plaintiff,

V.

STATE OF WASHINGTON DEPARTMENT
OF HEALTH AND SOCIAL SERVICES, et al.,

Defendants.

CASE NO. C09-409RSM

ORDER

Plaintiff Julie Irma Lodi, appearing *pro se*, filed this action as an “Application to Convene a Judge Panel Declaring Named Statutes Federally Unconstitutional.” Dkt. # 1. She names as defendants the State of Washington, Governor Christine Gregoire, Secretary Robin Arnold-Williams of the Department of Health and Social Services, and three additional individuals. The complaint alleges various provisions of the Washington Administrative Code, namely WAC 388-519-110, and asserts that the defendants attempted to murder plaintiff by withholding food assistance and medical care. *Id.*, p. 2. The jurisdiction of this Court is invoked under criminal statutes, 18 U.S.C. § 241 and as well as the civil rights statute, 42 U.S.C. § 1983. *Id.*

Defendants have moved for summary judgment on the bases that plaintiff failed to properly and timely serve defendants, her claims are barred by collateral estoppel, and plaintiff has failed to state a cause of action for which relief can be granted. Dkt. # 12. The collateral estoppel argument is based on

ORDER - 1

1 plaintiff's prior history of litigating her qualifications for Medicaid and food assistance benefits. Dkt. #
2 12, pp. 2-4.

3 The motion for summary judgment was noted for consideration on March 12, 2010. Plaintiff
4 has failed to respond to the motion in any way. Indeed, apart from signing the Joint Status Report filed
5 by defendants more than nine months ago, in June 2009, plaintiff has not filed anything in this action
6 subsequent to the complaint. It appears she has abandoned the litigation.

7 Pursuant to the Local Rules of this Court, failure to file opposition to the motion may be
8 considered by the Court as an admission that the motion has merit. Local Rule CR 7(b)(2). In light of
9 plaintiff's total lack of participation in this litigation, application of this rule is appropriate.
10 Accordingly, defendants' motion for summary judgment is GRANTED and this action is DISMISSED.

11 Dated this 24th day of March, 2010.

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14 RICARDO S. MARTINEZ
15 UNITED STATES DISTRICT JUDGE
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ORDER - 2